

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

April 20, 2009
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Captain Dave Wyffels, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

The Rice Hospital and Municipal Utilities Commission minutes were removed from the Consent Agenda.

Council Member Ahmann offered a motion adopting the Consent Agenda which included the following: City Council Minutes of April 6, Planning Commission Minutes of April 8, Housing and Redevelopment Authority Minutes of March 17, Charter Commission Minutes of March 25, and City Council Work Session Minutes of April 15, 2009. Council Member Dokken seconded the motion, which carried.

The Council discussed the Rice Hospital Board Minutes and Mayor Heitke questioned the \$20,000 moving expenses for the recently hired Chief Executive Officer. Following discussion, Council Member Ahmann moved to approve the Rice Hospital Board Minutes of April 8, 2009, excluding the \$20,000 moving expenses. Council Member Anderson seconded the motion, which carried.

The Council discussed the Municipal Utilities Commission Minutes and Mayor Heitke requested clarification of the \$50.00 consulting fee by former Commissioner Bob Bonawitz. The Municipal Utilities Commission Minutes of April 13, 2009, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Fagerlie, and carried.

Mayor Heitke acknowledged Dan Crannick who had signed up to address the City Council during its scheduled Open Forum. Mr. Crannick expressed concerns regarding the condition of an open field south of Family Eye Center with uncontrolled gophers and limited weed and grass mowings.

The Public Works/Safety Committee Report for April 14, 2009, was presented to the Mayor and Council by Council Member Christianson. There were seven items for Council consideration.

Item No. 1 Convention and Visitors Bureau Director Beth Fisher and Staff were present seeking support from the Committee on legislation they feel the City should oppose. As a result of the 1990 election, cities were allowed to adopt a lodging tax of 3% on stays less than 30 days. The municipality retains 5% and 95% is designated to be used to fund a local convention and tourism bureau for the purpose of marketing and promoting cities. The proposed legislation states the City may use the proceeds for any permitted municipal purpose. Staff requested the Committee consider adopting a resolution taking opposition to the new legislation and maintain the present use.

The Committee was recommending the Council adopt a resolution opposing the proposed House File 2077. Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member DeBleck, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED that tourism in Minnesota generates \$10.4 million statewide and each \$1.00 invested in tourism generates \$4.60 in State and local taxes, \$20.40 in wages and \$53.00 in gross sales, and

WHEREAS, the local lodging tax option was imposed to collect revenue from the hospitality to be used to perpetuate the hospitality industry, and

WHEREAS, the Willmar Lakes Area Convention and Visitors Bureau and related businesses rely on local lodging tax revenue to promote Willmar as a great place for tourism and conferences, and

WHEREAS, tourism is an economic engine, helping to make Willmar a healthy community.

NOW, THEREFORE, BE IT RESOLVED that the City of Willmar opposes Section 4 of HF Bill 2077 that takes away the dedication of the lodging taxes, enabling widespread spending of these monies by Cities.

Dated this 20th day of April, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee considered an agreement that has been in place for a number of years with David Turch and Associates as presented by Staff. The agreement presented extends the previous one that expired on March 31, 2009, with the same terms, conditions and dollar amounts. The services provided by DTA include advising and representing Willmar in affairs with the Legislative and Executive Branches of the Federal Government by promoting Willmar in legislative proposals. Compensation for the service is \$54,000 funded equally between the City and Willmar Municipal Utilities.

The Committee was recommending the Council approve the legal agreement with Turch and Associates and authorize the City Administrator to sign on behalf of the City. Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member DeBleck, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Professional Consulting Agreement between the City of Willmar and David Turch and Associates.

Dated this 20th day of April, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee considered a request from Fire Chief Calvin to accept reimbursement funds from the Minnesota Board of Firefighter Training and Education in the amount of \$3,747.60. The money will fund training for six new firefighters' Firefighter II training and a Fire Equipment Operator class.

The Committee was recommending the Council grant Staff permission to apply for and accept the reimbursement funds as presented and to adjust the Fire Department's budget accordingly. Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED, by the City Council of the City of Willmar to support Staff's application submittal and acceptance of reimbursement funds from the Minnesota Board of Firefighter Training and Education in an amount not to exceed \$3,747.60, and to adjust the Fire Department's budget accordingly.

Dated this 20th day of April, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Chief Calvin also requested permission to apply for the 2009 Assistance to Firefighters Grant in the amount of \$133,038.00. If received, the funds would be used for NFPA upgrades of their air packs. It would also enable the Department to purchase a firefighter accountability and air management software program to work in conjunction with the new equipment. This allows the firefighters outside the scene to monitor the firefighters inside the building. A local match of 10% or \$13,304.00 would come from within the Fire Department Budget.

The Committee was recommending the Council grant permission to the Fire Department to apply for and accept the 2009 Assistance to Firefighters Grant to SCBA upgrades. Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED, by the City Council of the City of Willmar to support staff's application submittal, acceptance and expenditure of the 2009 Assistant to Firefighters Grant (AFG) for the purchase of Self-Contained Breathing Apparatus (SCBA) upgrades and a firefighter accountability/air management software program and to adjust the budget accordingly.

Dated this 20th day of April, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee was informed by Staff that the City received a request from the State Office of Rail Administration stating the Pennock rail safety project slated for construction in 2013 is now being funded by other sources and moved up on the construction schedule. The State is looking for additional projects to replace those funded and is offering to move up the construction of the Trott Avenue rail project one year to 2013. The project includes installing gates at the crossing, and it would be Staff's intent to also make this a quiet zone.

The Committee was recommending the Council authorize the State of Minnesota to include the Trott Avenue Crossing in the STIP program and agree to fund the City's local share of the project. Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

WHEREAS the City Council of the City of Willmar desires to construct the Trott Avenue Railway Crossing Project which includes installing gates at the crossing.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Willmar authorizes the State of Minnesota to include the Trott Avenue Railroad Crossing in the 2010-2013 STIP program.

BE IT FURTHER RESOLVED that the local share of the project be funded by the City.

Dated this 20th day of April, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 Rhonda Rae, Donohue and Associates, presented to the Committee the contractor's request to change a boring method on Project No. 0813-D3 from micro tunneling to the guided boring method. The contractor, S.R. Weidema, believes this method can resolve any or all unforeseen obstacles and lessen the risk of failure. If the City accepts Change Order No. 2, it will realize a \$50,000 savings that Staff recommends be placed in the contingency fund of the project. The contractor will provide and pay for any additional casing under County Road 15 and be responsible for any unknown subsurface conditions they may encounter during the five required tunnels. Donohue and Associates has researched the requested method and believes the guided bore method of tunneling as proposed by Weidema is an acceptable alternative means and method to micro tunneling.

The Committee was recommending the Council approve Change Order No. 2 for Project 0813-D3 and authorize the City Administrator to execute it on behalf of the City.

Rhonda Rae, Donohue and Associates, explained micro-tunneling as surface guided tunneling versus the guided boring method conducted in the jacking pit.

Harris Duinick, Duinick Bros. Incorporated, appeared before the Council asking that the change order be rejected and to maintain the method bid by all contractors.

Following discussion, Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

WHEREAS, the City of Willmar entered into Contract No. 0813-D3 with S.R. Weidema, Inc. for the construction of Southern Interceptor (From BNSF RR to 5th St. SE & at Existing WWTF); and

WHEREAS, Change Order No. 1 increasing the amount by \$15,882.08 has been previously authorized; and

WHEREAS, S.R. Weidema has proposed the Guided Boring Method of Tunneling for the five borings specified in the Project; and

WHEREAS, S.R. Weidema waives future claims and accepts responsibility for successful completion of all five borings using the Guided Boring Method; and

WHEREAS, it is recommended to approve to Guided Boring Method of Tunneling proposed by S.R. Weidema, Inc.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 2 be approved; as a result, the contract amount will be decreased in the amount of \$50,000.00 for Project 0813-D3 Southern Interceptor (From BNSF RR to 5th St. SE & at Existing WWTF);

Dated this 20th day of April, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 Staff presented to the Committee a request to apply for the Byrne/JAG Grant jointly with Kandiyohi County to access \$48,394.00 for a joint law enforcement project. The US Department of Justice suggests the allocation be \$34,567 to the City and \$13,827 to the County. The money would fund a joint project described as "Safe Neighborhoods Enhanced by Video Technology." The project would consist of video camera systems in public places that would monitor high risk areas.

The Committee was recommending the Council approve of an application for the Byrne/JAG Grant and allow the City Administrator to sign a Memorandum of Understanding. Resolution No. 7 was introduced by Council Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 3 – Council Members Christianson, Johnson and Dokken voted "No."

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar to approve of a grant application through the Byrne/JAG Grant jointly with Kandiyohi County to access \$48,394.00 for a joint law enforcement "Safe Neighborhoods Enhanced by Video Technology." Be it further resolved that the City Administrator sign a Memorandum of Understanding with Kandiyohi County.

Dated this 20th day of April, 2009.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Community Development Committee Report for April 16, 2009, was presented to the Mayor and Council by Council Member DeBlieck. There were four items for Council consideration.

Item No. 1 The Committee discussed a letter received from Charlie Nelson of KRA Speedway, recapping the 2008 racing season and the ongoing issue was the violation of race ending times. Dick Huesing provided a summary of 2002-2003 Race Track Task Force issues and activities. Fred Cogelow raised the issue of dirt being tracked from the race track into Foot Lake, caused by the watering truck and was concerned about dirt tracking onto the streets from vehicles exiting the fairgrounds, resulting in dust and sediment in runoff. Exhaust fumes were also stated to be a nuisance.

Following discussion, the Committee was recommending to the Council that Staff send a letter to representatives of the KRA outlining the concerns listed above and inviting them to the next Committee meeting on April 30, 2009. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Dokken seconding the motion, which carried.

The Committee also recommended to the Council that the City contact representatives to the County and Fair Association to revive discussion of a possible relocation of the fairgrounds as a long-term solution to race track issues. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Ahmann seconding the motion, which carried.

Item No. 2 Stephen Deleski appeared before the Committee to discuss an increasing problem of private garbage being dumped into public trash bins in the Central Business District. The cans are provided/maintained by Mainstreet Willmar and the Design Center.

Language in a new neighborhood guide document states that it is illegal to put household refuse in a public trash bin. The Committee asked Staff to follow up on the origin of the language in the handout and its enforceability. This matter was for information only.

Item No. 3 The Committee discussed a letter from the Southwest Minnesota Housing Partnership introducing a program to acquire, rehabilitate, and resell foreclosed homes in an 18-county area. Concern was expressed regarding coordination between the Housing Partnership and the Willmar HRA. Staff was asked to contact the HRA to ensure their efforts are being coordinated with those of the Southwest Minnesota Housing Partnership. This matter was for information only.

Item No. 4 Staff updated the Committee on the status of environmental review for the airport redevelopment project. The comment period ended April 15, 2009, and the City is waiting for a finding of no significant impact so the FAA can move forward with release of the former airport lands. Staff informed the Committee that there were ongoing issues with the historical designation proposed for the former terminal building and site. This matter was for information only.

Item No. 5 The Committee discussed the status of the Comprehensive Plan. The Planning Commission is reviewing a draft of the document and would hopefully take action to recommend the draft at their meeting of April 22, 2009. Staff will then bring the recommended draft to the Community Development Committee, to initiate Council review. It is anticipated that a public meeting will be held in the 2nd week of May, following posting of a draft plan on the City's website. Following the public meeting, the document will be transmitted to the City Council for a public hearing and adoption. It is anticipated that the entire process should be completed by the first Council meeting in June. This matter was for information only.

The Community Development Committee Report for April 16, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Dokken, and carried.

Planning and Development Director Peterson presented to the Mayor and Council a final plat for Willmar Industrial Park Third Addition, a City-driven expansion in the industrial park into a portion of the old airport. There were a few conditions/changes to the plat by the Planning Commission and those changes have been made. Council Member Christianson moved to approve the final plat for Willmar Industrial Park Third Addition with Council Member Reese, seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Labor Relations, April 22; Finance, April 27; Public Works/Safety, April 28, and Community Development, April 30, 2009.

Council Member Ahmann offered a motion to move the issue of going "green" with City vehicles to the Public Works/Safety Committee for consideration. Council Member Johnson seconded the motion, which carried.

Public Works Director Odens presented to the Mayor and Council the 2008 annual report for the Public Works Department. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

Finance Director Okins presented to the Mayor and Council the 2008 annual report for the Finance Department. Following a question and answer period, the report was ordered placed on file in the City Clerk's Office.

There being no further business to come before the Council, the meeting adjourned at 9:48 p.m. upon motion by Council Member Anderson, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL